



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

October 12, 2023

Via ECF

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

Re: *Lane v. Nigrelli, et al.*, No. 22-cv-10989 (KMK)

Dear Judge Karas:

This Office represents Dominick L. Chiumento, in his official capacity as Acting Superintendent of the New York State Police. I write to request that Superintendent Chiumento be substituted as a defendant for his predecessor, Steven A. Nigrelli, pursuant to Federal Rule of Civil Procedure 25(d).

Superintendent Nigrelli, the current State defendant in this action, resigned from government service effective October 6, 2023. Because Superintendent Nigrelli is sued only in his official capacity, see Complaint, ECF No. 1 at 1, the substitution takes place “automatically.” Fed. R. Civ. P. 25(d); see Williams v. Annucci, 895 F.3d 180, 187 (2d Cir. 2018). We request that the case caption be amended to reflect Superintendent Chiumento stepping into the role.

We thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/ _____
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Hon. Kenneth M. Karas

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Page 2 of 2

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cc: Counsel for all Parties via ECF